

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:

All Actions

**PLAINTIFFS' STEERING COMMITTEE'S PROPOSED AGENDA
FOR THE MAY 28, 2015 DISCOVERY HEARING BEFORE JUDGE BOAL**

The Plaintiffs' Steering Committee proposes the following agenda for the May 28, 2015 discovery hearing before Judge Boal.

On February 24, 2015, Judge Zobel entered an order referring all discovery motions to Judge Boal (Dkt. No. 1708). The following identifies all fully-briefed, discovery-related, motions that are ready for argument:

1. TN Clinic Defendants Motion to Compel FDA's Compliance with Subpoena [Dkt. 1775]
 - a. Magistrate Judge Boal's order setting briefing schedule [Dkt. 1776]
 - b. TN Clinic Defendants' Notice re Motion to Compel of Service of Motion on Non-Party [Dkt. 1777]
 - c. TN Clinic Defendants Notice re Postponement of Deposition [Dkt. 1778]
 - d. TN Clinic Defendants Certificate of Compliance with Local Rule 37.1 in support of Motion to Compel Response to Subpoena to the United States Food and Drug Administration [Dkt. 1793]
 - e. Addendum re 1775 Vaughan Allen's Motion to Compel [Dkt. 1793]
 - f. U.S. Government Motion for Protective Order [1838]
2. Motions to Quash and for Protective Order
 - a. Motion for Protective Order *Pursuant to Fed. R. Civ. P 26(c) and 45(c) precluding the Tennessee Clinic Defendants from Conducting a Deposition by Paul D. Moore* [Dkt. 1810]

- i. Response to Motion 1810 [Dkt. 1862]
- b. Objection to 1782 Notice by Paul Moore in his capacity as Chapter 11 Trustee- Objections to the Tennessee Clinic Defendants' Subpoena Duces Tecum [Dkt. 1813]
- c. Motion for Protective Order *and Motion to Quash Deposition Notices to the Invoking Defendants* by Barry J. Cadden, Lisa Conigliaro Cadden, Gregory Conigliaro, Carla Conigliaro, Douglas Conigliaro, and Glenn A. Chin [Dkt. 1823]
 - i. Response to Motion 1823 [Dkt. 1865]
 - ii. Saint Thomas Entities' Opposition re 1823, 1824, 1826, 1836, and 1854 to the Invoking Defendants' Motions for Protective Orders and to Quash Deposition Notices [Dkt. 1869]
 - iii. Invoking Defendants' Reply, to be filed pursuant to Dkt. 1888 [forthcoming]
- d. Motion for Joinder *in the Motion for a Protective Order filed by Certain Individual Defendants* by Ameridose LLC [Dkt. 1824]
- e. Motion for Joinder *in the Motion for a Protective Order filed by Certain Individual Defendants and Motion for Protective Order* by GDC Properties [Dkt. 1826]
- f. PSC Response to Motion 1810, 1823, 1824, and 1826 [Dkt. 1839]
- g. Steven Higgins' Motion for a Protective Order and Motion to Quash or Modify the Subpoena [Dkt. 1836]
 - i. Saint Thomas Entities' Response to Motion [Dkt. 1894]
- h. Motion for Joinder *in the Invoking Defendants' Motion for Protective Order* by Medical Sales Management SW, Inc. [Dkt. 1854]
- i. Premier Memorandum in Opposition re 1854 and 1823 Motions [Dkt. 1860]

3. Tennessee Clinic Defendants' Motion to Compel

- a. Motion to Compel *the PSC to Respond to Discovery Served by the Tennessee Clinic Defendants and Motion to Deem Requests Admitted* by John Culclasure [Dkt. 1830]
 - i. Stipulation re 1830 Motion to Compel *the PSC to Respond to Discovery Served by the Tennessee Clinic Defendants and Motion to Deem Requests Admitted* by the PSC [Dkt. 1873]
- b. PSC Opposition [Dkt. 1887]

4. Saint Thomas Entities' Motion for Continuance of Common Issue Fact Discovery Deadline [Dkt. 1849]

- a. Memorandum in Support re 1849 [Dkt. 1850]
- b. Declaration re 1849 Motion to Continue Deadline for Common Issue Fact Discovery to September 14, 2015 Declaration of Adam T. Schramek [Dkt. 1851]
- c. Tennessee Clinic Defendants' Notice of Joinder in 1849 Saint Thomas Entities' Motion for Continuance of Common Issue Fact Discovery Deadline [Dkt. 1877]
- d. Box Hill Motion to Stay/Extend [Dkt. 1889]
- e. PSC Response – forthcoming on 5/27

Dated: May 26, 2015

Respectfully submitted,

/s/ Benjamin A. Gastel

J. Gerard Stranch, IV (TN BPR # 23045)
Benjamin A. Gastel (TN BPR # 28699)
BRANSETTER, STRANCH & JENNINGS PLLC
227 Second Avenue North
Nashville, TN 37201
Telephone: (615) 254-8801
Facsimile: (615) 255-5419
gerards@branstetterlaw.com
beng@branstetterlaw.com

TN Liaison Counsel

Thomas M. Sobol
Kristen A. Johnson
HAGENS BERMAN SOBOL SHAPIRO LLP
55 Cambridge Parkway, Suite 301

Cambridge, MA 02142
Telephone: (617) 482-3700
Facsimile: (617) 482-3003
tom@hbsslaw.com
kristenj@hbsslaw.com

Plaintiffs' Lead Counsel

Elizabeth J. Cabraser
Mark P. Chalos
Annika K. Martin
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
150 Fourth Avenue, North, Suite 1650
Nashville, TN 37219
Telephone: (615) 313-9000
Facsimile: (615) 313-9965
ecabraser@lchb.com
mchalos@lchb.com
akmartin@lchb.com

Marc E. Lipton
LIPTON LAW
18930 W. 10 Mile Road
Southfield, MI 48075
Telephone: (248) 557-1688
Facsimile: (248) 557-6344
marc@liptonlawcenter.com

Kimberly A. Dougherty
JANET, JENNER & SUGGS, LLC
31 St. James Ave., Suite 365
Boston, MA 02116
Telephone: (617) 933-1265
kdougherty@myadvocates.com

Patrick T. Fennell
CRANDALL & KATT
366 Elm Avenue, S.W.
Roanoke, VA 24016
Telephone: (540) 342-2000
pfennel@crandalllaw.com

Mark Zamora
ZAMORA FIRM
6 Concourse Way, 22nd Floor

Atlanta, GA 30328
Telephone: (404) 451-7781
Facsimile: (404) 506-9223
mark@markzamora.com

Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Benjamin A. Gastel, hereby certify that I caused a copy of the above Plaintiffs' Steering Committee's Proposed Agenda for the May 28, 2015 Discovery Hearing before Judge Boal to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: May 26, 2015

/s/ Benjamin A. Gastel
Benjamin A. Gastel